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*Attorneys for Defendant,
State Farm Mutual Automobile Insurance Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CODY FURROW

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY; DOE INDIVIDUALS
I-X, inclusive; and ROE CORPORATIONS I-X,
inclusive.

Defendants.

CASE NO.:

PETITION FOR REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Defendants, State Farm Mutual Automobile Insurance Company (“State Farm”), by and through its attorneys, Hall Jaffe & Clayton, LLP, hereby remove this action to the United States District Court for the District of Nevada.

The basis of removal is as follows:

1. This Court has original jurisdiction over the subject matter of this action under the provisions of 28 U.S.C. § 1332 in that there is complete diversity between the parties and more than \$75,000 in controversy, exclusive of interest and costs.

2. State Farm is a defendant in the above-entitled action now pending in the Eighth Judicial District Court, Clark County, Nevada, Case No. A-18-778274-C State Farm is an Illinois corporation with their principal place of business in that state, and are authorized to transact insurance under the laws

1 of the State of Nevada. Plaintiff, Cody Furrow (hereinafter "Plaintiff"), is a citizen of the state of
2 Nevada.

3. With respect to the amount in controversy, the pleadings coupled with the claims file,
4 the non-privileged portions of which are incorporated in full by this reference, establish that the case has
5 an amount in controversy in excess of the federal diversity jurisdiction threshold. More specifically, this
6 case involves a UIM breach of contract and extra-contractual claims stemming from a rear-end impact
7 accident. Plaintiff allegedly sustained cervical and lumbar injuries as a result of the accident, and has
8 allegedly incurred over \$122,000.00 in past medical specials and alleges at least an additional \$12,700 in
9 claimed future medical specials relating to future injection/branch block procedures. Plaintiff has
10 demanded the \$50,000 UIM policy limit from State Farm, but State Farm has not paid any amount of
11 UIM benefits; thus, there is at least \$50,000 in contractual damages in controversy. Moreover, the
12 complaint alleges a separate claim for "unjust enrichment," which seeks separate damages in excess of
13 \$15,000. Also, the complaint seeks to hold State Farm liable for special damages, which the complaint,
14 itself, identifies as being in excess of \$122,000. Finally, the complaint, itself, alleges an additional
15 amount for "expectation damages" in excess of \$15,000. These allegations in the complaint, coupled
16 with the documents in the claims file, further confirm that there is an amount in controversy well in
17 excess of the federal diversity jurisdiction threshold. *See e.g., Hunter v. United Van Lines*, 746 F.2d
18 635, 649 (9th Cir. 1984) (holding that in cases involving a single plaintiff, the aggregate value of the
19 plaintiff's claims may be used to meet the \$75,000 amount in controversy requirement); *Everett v.*
20 *Verizon Wireless, Inc.*, 460 F.3d 818 (6th Cir. 2006), *abrogated on other ground*, *Hertz Corp. v. Friend*,
21 559 U.S. 767 (2010); *Long John Silver's, Inc. v. DIWA III, Inc.*, 650 F. Supp. 2d 612, 617 (E.D. Ky.
22 2009); *Iglesias v. Mutual Life Ins. Co.*, 918 F.Supp. 31, 37 (D. P.R. 1996).

23. The Notice of Removal is timely. Service of the Summons and Complaint upon State
24 Farm was effected by service upon the Commissioner of Insurance of the State of Nevada on August 16,
25 2018.

26. Copies of Plaintiff's Complaint, Summons, and Proof of Service, with respect to State
27 Farm are attached hereto as "Exhibit A – Summons and Service Docs." This constitutes all of the papers
28 and pleadings served on State Farm.

1 6. State Farm has concurrently filed a copy of this Notice of Removal with the Clark
2 County District Court Clerk, and has served a copy of this upon Plaintiff.

3 Based on the foregoing, Defendant, State Farm, hereby removes the above action now pending in
4 District Court, Clark County, Nevada, Case No. A-18-778274-C, to this Court.

5 DATED this 13th day of September, 2018.

HALL JAFFE & CLAYTON, LLP

By RILEY A. CLAYTON
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CERTIFICATE OF E-SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of HALL JAFFE & CLAYTON, LLP, and that on the 13 day of September, 2018, the foregoing **Petition for Removal**, was served upon the parties via the Court's e-filing and service program, addressed as follows:

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